Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

Letter No. 1095—115, dated the 22nd August 1908, from the Inspector-General of Police in Mysore, reporting on the working of the Mysore Mines Regulation, IV of 1906, during the official year 1907-08.

With reference to Government Proceedings No. 3503-4—Legis. 30-06-6, dated 17th May 1907, I have the honor to forward herewith copy of letter No. C. 36, dated 13th instant, from the District Magistrate, Kolar, submitting a Report on the working of the Mysore Mines Regulation, IV of 1906, for the official year 1907-08.

2. Forty-four cases with 66 persons werefiled by the Police under Sections 5 to 19 of the Regulation, relating to the protection of the mining property, against 22 cases with 30 persons during the previous year. Of these, 35 cases with 39 persons ended in conviction against 16 cases with 19 persons during the previous year. The number of prosecutions has increased under all the sections, except under Section 6 (unlawful possession of mining materials), which is attributed to be due alike to the careful and vigorous working of the Regulation, as to the close supervision and discretion used in launching prosecutions thereunder.

3. The number of prosecutions under Section 7 for working without a license has increased and fines amounting to Rs. 225 were realised. The amount of license fees collected was Rs. 107-8-0 against Rs. 70 during the previous year.

The principles enunciated by the District Magistrate under which licenses are issued to goldsmiths are good and cannot in any way prove a hardship to *bona fide* settlers.

4. Under Sections 11, 12 and 18 of the Regulation there were 1, 1 and 2 prosecutions respectively, during the year, whereas there were none during the previous year.

5. In the case under Section 12 (possession of unwrought gold), a komati was convicted by the Magistrate having been found in possession of a bar of gold; but the conviction was set aside by the Chief Court.

6. Under Section 16 of the Regulation (liability of tenant or occupier of premises where mining materials are found), 4 cases with 12 persons were prosecuted, of which 1 case with 2 persons ended in conviction. The question of the practical utility of this section may be decided after further trial as suggested by the District Magistrate.

7. Twenty-two undesirables were prosecuted and 19 convicted against 11 and 10 respectively, during the previous year and the total number of notices issued was 53 during the year or over a hundred since the Regulation came into force.

8. Under the present system these notices are served by the Superintendent of the Mine at which the individual works and this does not ensure the absolute quitting of the individual from the whole mining area. He may have opportunities for surreptitiously getting himself employed in another mine. To prevent this it was suggested last year that the notice should be issued by the Mining Board. But on a further consideration of the question, the District Magistrate suggests that as there are in the Fields two Stationary Magistrates and a Police Superintendent solely for the benefit of the Mining Companies, any of them to whom the Superintendents may apply may be empowered to issue the same. I fully concur with him in his views in the matter.

9. Sections 18 and 19 (Hawkers and Pedlars).—From September 1907, 56 licenses were issued and the fees realised were Rs. 192. In two cases two persons were fined for hawking without license.

10. It is satisfactory to note that the New Regulation has been worked smoothly without provoking the least discontent among the law-abiding and peaceful subjects of His Highness the Maharaja.

11. It is reported that the frequency and violence of air blasts in the Champion Reefs Mine have been greater that in last year, and have been causing considerable anxiety. The cause of the same and the preventive measures adopted are not reported.

12. In conclusion, I request that early orders may be passed on the subjects referred to in Government Order No. 2958-59—Legis. 7-07-3, dated 26th March 1908, reviewing the report for the year 1906-07.

Letter No. C. 36, from C. Srikanteswara Aiyar, Esq., B.A., B.L., District Magistrate, Kolar District.

Adverting to Government Proceedings No. J. 3503-4—Legis. 30-06-6, dated 17th May 1907, I have the honor to submit my second Annual Report on the working of the Mysore Mines Regulation, IV of 1906 for the official year 1907-08, as follows:—

2. The number of cases filed during the year under the said Regulation was 59, 44 being by the Police and 15 by the Geological Department. Those charged alternatively under this Regulation and the Indian Penal Code, for possession of mining materials, are not of importance affecting the Regulation.

Protection of mining property.

3. Of the 44 cases put up by the Police under the more stringent Sections 5 to 19 of the Regulation, 35 ended in conviction, against 22, filed and 16 convicted during the previous year, as detailed below :—

Under Sections	1906-07				1907-08			
	Prosecuted		Convicted		Prosecuted		Convicted	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
6 and 13	8	11	4	4	5	8	3	4
7 and 13	2	6	2	5	9	16	8	10
11 and 13	...	...	...	...	1	1	1	1
12 and 13	...	...	...	...	1	1	1	1
16	1	2	...	...	4	12	1	2
17 and 19	11	11	10	10	22	22	19	19
18 and 19	...	...	...	...	2	2	2	2
Total ...	22	30	16	19	44	62	35	39

(*a*) *Section 6—Unlawful possession of mining materials.*—There have been fewer cases under this Section, due alike to the careful and vigorous working of the Regulation as to the close supervision and discretion used in launching prosecutions thereunder.

The question of bringing all electrical fittings and the like, especially copper wire which is a valuable asset, under the definition of mining material, has already been urged and is engaging the attention of Government, and when they are so brought it will go a long way to further safeguard the mining property.

(*b*) *Section 7.—Licenses required for gold-dealers and goldsmiths.*—Of the 9 cases involving 16 persons put up during the year, against 2 cases and 5 persons of the previous year, for working without licenses, 8 ended in conviction of 10 persons, and one in the acquittal of the other three persons, 3 of the accused being discharged. Fines amounting to Rs. 225 were imposed and collected under this section during the year under notice.

Nine goldsmith licenses were issued up to 31st December 1907, and 17 up to 30th June 1908, the amount of license fees collected during the official year being Rs. 107-8-0, as against Rs. 70 of the previous year.

As a rule, the issue of such licenses is governed by the two main principles enunciated in my last report, *viz.*, (i) to grant licenses to all local and hereditary goldsmiths, unless the applicant has been convicted or is of reputed bad character; and (ii) never to grant any license to foreign goldsmiths, unless the applicant is of *proved good character and* a *bona fide* settler with no dishonest motives or amidst suspicious surroundings.

It is this class of persons that has been a source of trouble ever since the mines started, as receivers of stolen gold and the strictest supervision, therefore, has been exercised over them.

No gold-dealers licenses were issued during the year.

(*c*) *Section 11.—Goldsmiths not to deal with gold, etc., until after three days of receipt.*—That only one person—and he a licensed goldsmith was prosecuted under this section, convicted and fined Rs. 50, argues both the moral effect produced upon such class of persons by this provision and how it has not acted harshly upon any *bona fide* workman.

(*d*) *Section 12.—Possession of unwrought gold.*—Only a single case arose under this section, in which a komati, was charged with being in possession of a piece of bar gold, convicted and fined Rs. 50. On reference by the accused, the Chief Court examined * both the facts and law involved and set aside the conviction, holding *inter alia* that the piece of gold "was a remnant of certain articles of jewellery the accused had melted down some 5 or 6 years ago," and that the Magistrate had "accepted the account given by the accused as true." The learned Judges specifically raised and discussed at great length the legal points (i) whether the New Mines Regulation had the retrospective effect of rendering possession of unwrought gold without a license, lawful on the date of the passing of the Regulation, an offence after the passing thereof, (ii) whether the section was not too general or applied to any but the goldsmiths and gold-dealers, and (iii) whether the definition of "Unwrought gold" included such cases, considered several English cases quoted in Maxwell's Interpretation of Statutes and other kindered books, and in separate judgments concluded it was unnecessary to express a definite opinion on the matter, and left the points open, quashing the conviction as aforesaid.

* Criminal Revision Petition No. 34 of 1907-08, Venkataramiah Chetti *vs.* Government.

(e) *Section 16—Liability of tenant or occupier of premises where mining materials are found.*—Four cases involving 12 persons were put up under this section during the year, against one case and two persons in the previous year. Of the four cases, only one ended in conviction of two persons.

It has been urged that the section is not of practical utility, as Magistrates are not likely to convict a tenant or occupier when many persons inhabit the same hut and there is always the chance of the stolen material being planted on the premises to get the tenant or occupier into trouble. I have sent for and perused the records in all the four cases, and it seems to me that before suggesting any amendments to the section, pronouncing it to be abortive, unless in very exceptional cases, further trial thereof is necessary. Sections 6 and 12 read along with this section, would practically seem to meet all cases, as the tenant or occupier of a hut wherein suspicious articles are found can be required to prove that he was not privy to their being introduced in his hut, and that he is under such an obligation is enough to ensure his not permitting his friends or undesirables to use the premises, to get himself into trouble. A good test case has yet to arise, to form a decided opinion as to its utility or otherwise.

(f) *Sections 17 & 19.—Undesirables.*—Of the 22 cases against 22 persons launched during the year, as against 11 cases involving 11 persons in the previous year,19 ended in the conviction of 19 persons. This section has done much good not only in getting rid of some of the very worst undesirables infesting the fields, but also in scaring away a good many more of them—the scum from all parts who congregate here and whose sole means of living consists in stealing sand, quartz and other mining materials.

The total number of notices served on such undesirables by the Mining Companies and the Police, during the year, was 53, and over a hundred since the Regulation came into force, which fact alone has greatly tended to keep down theft, of late, on the Fields.

As stated in my last report, it is necessary and most desirable that a notice served on a bad character on a particular Mine, should be made applicable to all the Mines, Camps, and Cooly Colonies. An undesirable now served with a notice on one Mine has only to shift himself to another, where he remains practically safe, until spotted out and served with a fresh notice, which process can go on repeating for a considerable period, as there are several Mines to which the undesirable can remove himself, by turns, with impunity. It stands to reason that if he is an undesirable in one place he is so on all the Mines, Camps and Cooly Colonies, and it would therefore be well to provide for a central authority issuing such notices, which can be made applicable to the whole of the mining area. There was once a suggestion that the notice might be served by the Mining Board, but on a consideration of this matter, now that we have on the Fields two Stationary Magistrates and a Superintendent of Police, entirely for the benefit of the Mining Companies, I think it would be better to empower any of them, to whom the Superintendents of Mines may apply, to issue the same.

During the year under report, this section has been very carefully worked, and in no instance, I am aware of, has it given arise to any unfairness or acted harshly upon any but the foreign squatters.

(g) *Sections 18 & 19.—Hawkers and Pedlars.*—Before Government Notification No. J. 106—Legis. 5-06-11, dated 9th July 1907, requiring hawkers and pedlars to take out licenses, was brought into effect, all hawkers and pedlars usually visiting the Fields were duly warned that they would be prosecuted if found hawking or peddling without proper licenses, which were issued from September 1907. Fifty-six such licenses have since been issued up to end of June 1908, the fees realised therefrom being Rs. 192.

As a rule, no license is issued until due enquiry has been made as to the desirability or otherwise of allowing the applicant to hawk or peddle his goods. In one instance, a hawker license issued to a komati of Civil and Military Station of Bangalore, to sell jewellery on the Mines, was re-called and cancelled, he having been subsequently ascertained to be a receiver of stolen gold.

In 12 cases, two persons were convicted and fined for hawking without licenses.

This section also has had a very good effect in keeping away people, who on the pretext of hawking goods, obtained free access to all parts of the Mines, wherefrom they eventually became so many transmittors of stolen gold and mining materials.

4. That the foregoing sections have been worked very satisfactorily in protecting mining property, is patent from another fact that ever since the New Regulation came into force, the Police have come across a number of men in possession of bogus gold, being a composition of brass filings resembling sponge gold, arguing that those that formerly did a small trade in real gold, have now been reduced to making a living by this means, owing to the difficulty in obtaining the genuine gold.

Safety and discipline of mining employees and inspection of mines.

5. Sections 21 to 23,15 cases involving 20 persons were brought to trial by the Geological Department, during the year, against 7 cases and 7 persons in the preceding year ; and of the 15 cases filed, 11 ended in the conviction of 14 persons.

Sanitation.

6. There was not even a single case filed for breaches of Sanitary Rules during the year, which testifies to the good work done and vigilance exercised by the Sanitary staff, both of the Mining Companies and the Sanitary Board.

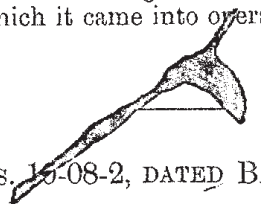
Introduction of Mines Regulation into Railway premises.

7. The Mining Board have again pressed for the introduction of the Mines Regulation into the Railway premises between Bowringpet and Marikuppam. Though there are difficulties attending the prosecution of persons found in possession of mining materials within this strip of land, the case in which a Mahomedan found in possession of sponge gold within the Railway premises was lately convicted, under Section 414, Indian Penal Code, by the District Magistrate of the Civil and Military Station of Bangalore, indicates that on sufficient evidence, convictions can be secured under the ordinary law, but only in exceptional cases. The subject is, however, already before Government.

General.

8. On the whole, it is gratifying to have to report that the New Regulation has so far been worked successfully, without in any way acting repressively upon the law-abiding and peace-loving subjects of His Highness the Maharaja, the only class of people affected thereby being the undesirable rowdies and impecunious fortune-hunters from outside, who form the bulk of the floating population on the Fields.

9. The special report called for by Government in Proceedings No. J 255-7—Legis. 5-05-10, dated 28th July 1906, after the Regulation has been in force for two years from 1st September 1906, the date on which it came into operation, will be submitted later on, in due course.



No. J. 1060-62—LEGIS. 15-08-2, DATED BANGALORE, 8TH OCTOBER 1908.

ORDER THEREON.—Forty-four cases involving 66 persons were filed by the Police under the several penal sections of the Regulation during the year under review, with the result that 35 cases involving 39 persons ended in conviction, as against 22 cases with 30 persons filed and 16 cases with 19 persons convicted during the previous year. The increase in the number of cases prosecuted is reported to be due to the careful working of the Regulation and to effective supervision on the part of the Police.

2. Only one case of unlawful possession of unwrought gold under Section 12 of the Regulation was prosecuted during the year. The accused person in the case was convicted by the Assistant Commissioner Magistrate of the Kolar Gold Fields and sentenced to pay a fine of Rs. 50 but on appeal the conviction was set aside by the Chief Court.

3. Four cases involving 12 persons were prosecuted under Section 16, which renders the tenant or occupier of the premises where mining materials are found liable for their possession in the absence of proof to the contrary; of these one case involving two persons resulted in conviction. The District Magistrate reports that no good test case has arisen for determining the practical utility of this section.

4. Twenty-six goldsmiths licenses and 56 Hawkers and Pedlars licenses were issued during the year and the fees realized amounted to Rs. 107-8-0 and Rs. 192, respectively.

5. Government note with satisfaction the assurance of the District Magistrate that the Regulation while protecting the gold industry is being worked smoothly without causing any hardship to the law-abiding population of the Gold Fields area.

6. The extension of the Regulation to the Railway premises in the Kolar Gold Field Mining area and other matters regarding the amendment of the Regulation referred to by the District Magistrate in para 7 of his report, are still under the consideration of Government and orders will be passed in due course.

K. S. CHANDRASEKHARA AIYAR,
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